

COMMISSIONERS' ORDINANCE NO. O-11-23

AN ORDINANCE CREATING A NEW CHAPTER OF THE COVINGTON CODE: CHAPTER 127 SHORT-TERM RENTALS, REPEALING THE "EMERGENCY TEMPORARY MORATORIUM ON NEW APPLICATIONS AND ISSUANCE OF LICENSES FOR SHORT-TERM RENTAL DWELLING LICENSES" AND "SHORT-TERM RENTALS" SUBCHAPTERS OF CHAPTER 124 OF THE COVINGTON CODE OF ORDINANCES, AMENDING THE TITLE OF CHAPTER 124, AND AMENDING SECTION 124.99 "PENALTY" TO REMOVE PENALTIES RELATING TO THE SHORT-TERM RENTAL SUBCHAPTER.

* * * *

WHEREAS, Sections 124.21 through 124.40 of the Covington Code of Ordinances currently set forth various regulations concerning short-term rental dwelling licenses within the City of Covington; and

WHEREAS, a recent study and review of short-term rental dwellings and license regulations determined that revised regulations would be more appropriately located under their own chapter of the City's ordinances; and

WHEREAS, the existing short-term rental dwelling license regulations require removal from Chapter 124 of the City's ordinances concurrent with the adoption of a new chapter of the City's ordinances for revised short-term rental dwelling license regulations.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Sections 127.01 through 127.99, which read as follows, are added to and amend the Covington Code of Ordinances:

TITLE XI: BUSINESS REGULATIONS

CHAPTER 127: SHORT-TERM RENTALS

§ 127.01 PURPOSE

It is the purpose of this chapter to promote the health, safety, and welfare of residents and of occupants of short-term rental dwellings in the city. By requiring the registration of all short-term rental dwelling units, it is the city's intent to ensure that short-term rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing maintenance requirements, to

protect the health and safety of visiting tenants and to not become a nuisance to the neighborhood and community. The regulation will protect the residential character of Covington's residential neighborhoods and preserve the character of the city's historic districts.

§ 127.02 DEFINITIONS.

For this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BLOCK FACE. All lots on a block fronting on a public or private street of any classification in the Kenton County Comprehensive Plan, on the same side of the street, and between two consecutive street intersections, not including alleys.

HOSTING PLATFORM. An internet-based application that allows a short-term rental host to advertise a short-term rental and provides a means for potential short-term rental tenants to arrange rental and payment through the platform.

PERSON. Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

RENTAL AGENT. A natural person designated by the host of a short-term rental on the short-term rental license application. The host may serve as the rental agent.

RENTAL INSPECTOR. The Neighborhood Services Director or a designee including, but not limited to, Code Enforcement Officers and/or inspectors in the Code Enforcement Division.

SHORT-TERM RENTAL.

- (1) Any residential dwelling unit or part thereof;
- (2) Offered or held out to the public for rent on a hosting platform, web or mobile application or other online platform, newspaper, magazine, or brochure through which short-term rentals are listed, advertised, solicited or otherwise held out for rent;
- (3) For a duration of occupancy of less than 30 consecutive days.

SHORT-TERM RENTAL DWELLING LICENSE. The short-term rental dwelling license established by this chapter.

SHORT TERM RENTAL HOST (host). Any person who is the owner of record of residential property who offers a residential dwelling or portion of such dwelling as a short-term rental or any person who is a lessee of residential property pursuant to a written agreement for the lease of such property and who is authorized by the owner to operate a short-term rental,

SHORT-TERM RENTAL, HOST OCCUPIED. A short-term rental that is the primary residence of the short-term rental host who is also the record owner of the property. Host-occupied property refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the PIDN assigned by the Kenton County PVA.

SHORT-TERM RENTAL, NON-HOST OCCUPIED. A short-term rental that is not the primary residence of the short-term rental host. A short-term rental which serves as the primary residence for a host who is not the record owner of the property, including lessees, is included in this definition.

SHORT-TERM RENTAL TENANT (tenant). Any person (excluding family members of the host of the short-term rental) who rents a short-term rental for a fee or any form of compensation, in exchange for occupancy of the short-term rental for a period of less than 30 consecutive days.

§ 127.03 UNLICENSED SHORT-TERM RENTALS PROHIBITED.

It shall be unlawful for any owner or person to list, advertise on a hosting platform, web or mobile application or other online platform, newspaper, magazine, or brochure through which short-term rentals are listed, advertised, solicited or otherwise held out for rent.

§ 127.04 LICENSE REQUIRED.

A Person who desires to use its premises as a short-term rental must have a valid, active short-term rental license for each short-term rental unit prior to using, allowing the use of, or advertising the use of said premises as a short-term rental.

§ 127.05 SHORT-TERM RENTAL DWELLING LICENSE.

(A) All hosts must register their short-term rental units with the city.

- (B) A separate license is required for each short-term rental unit.**
- (C) There shall be no more than one hundred fifty (150) active short-term rental, non-host occupied licenses in the City at any time.**
- (D) The license is renewable annually and shall expire on the last day of the month one year after the date of issuance.**
- (E) The license is non-transferable, may not be assigned to another person or entity, and is void upon transfer of the property.**
- (F) Host Occupied short-term rentals are exempt from historic district density limits.**

§ 127.06 OWNERSHIP LIMITS.

In order to assure maximum opportunity for a wide range of investors and persons, no person shall hold more than a maximum of four non-host occupied licenses, as determined by ownership interests. Where a short-term rental dwelling license is held by a limited liability corporation, the license shall be considered held by its members.

§ 127.07 DENSITY LIMITS.

- (A) There shall be no more than two (2) short-term rental licenses per structure.**
- (B) In order to supplement and provide additional guidance for the consideration of requests for conditional use permits under the current Neighborhood Development Code, and in order to protect the residential character of Covington's national historic districts, and generally protect Covington's residential character the following density limits are established:**

Historic Districts:

- 1. Austinburg: Maximum of ten (10) non-host-occupied short-term rental units, with no more than one per block face.**
- 2. Downtown Commercial, including 1991, 1996 and 2001 Expansions: unlimited number of non-host-occupied short-term rental units with no distance separation requirements.**

3. Emery-Price: Maximum of four (4) non-host-occupied short-term rental units, with no more than one per block face.
4. Helentown: Maximum of fifteen (15) non-host-occupied short-term rental units, with no more than one per block face.
5. Holy Cross: Host-occupied only.
6. Lee-Holman: Maximum of five (5) non-host-occupied short-term rental units, with no more than one per block face.
7. Lewisburg: Maximum of five (5) non-host-occupied short-term rental units, with no more than one per block face.
8. Licking Riverside: Maximum of five (5) non-host-occupied short-term rental units, with no more than one per block face.
9. Main Strasse: Maximum of twenty-five (25) non-host-occupied short-term rental units, with no more than one per blockface, except that in the TUMU zone within the Main Strasse Historic district break out commercial zone there may be no more than three non-host-occupied short-term rental units per block face.
10. Mutter Gottes: Maximum of twelve (12) non-host-occupied short-term rental units, with no more than one per blockface, except that on Fourth Street and Fifth Street there may be no more than three non-host-occupied short-term rental units per block face.
11. Ohio Riverside, including 1987 Expansion: One short-term rental unit per block face, host-occupied only.
12. Ritte's Corner, including 2000 Expansion: Maximum of five (5) non-host-occupied short-term rental units, with no more than one per block face.
13. Seminary Square: Maximum of four (4) non-host-occupied short-term rental units, with no more than one per block face.
14. Wallace Woods: Maximum of five (5) non-host-occupied short-term rental units, with no more than one per block face.
15. West Fifteenth Street: Maximum of one (1) non-host-occupied short-term rental units.

REMAINDER OF THE CITY:

1. No more than one (1) non-host short-term rental structure permitted per block face.

§ 127.08 APPLICATION CONTENTS.

(A) The application for a short-term rental dwelling license shall require the following information:

1. The current street address of the unit to be licensed;
2. The name, address, email address, and phone numbers of the owner of the premises or corporation's owner's representative, as applicable;
3. If the owner is not a natural person, the applicant shall identify all partners, officers and directors of any such entity and provide their personal contact information;
4. The name, address, email address, and phone number of the designated rental agent;
5. The number of bedrooms in the unit and maximum occupancy;
6. The number and location of parking spaces allotted to the unit.
7. Evidence of notice to adjacent property owners of intent to apply for a license;
8. If the applicant is a lessee of the property, evidence of approval by the property owner for authority to operate the unit as a short-term rental;
9. The rental agent's written statement of acceptance of the responsibilities;
10. A list of all hosting platforms through which the short-term rental is listed or is reasonably anticipated to be listed;
11. If the license application is for a short-term rental, host occupied, the host must submit a sworn affidavit stating that the primary dwelling unit is the legal residence and domicile of the applicant and provide proof of residency in the form of two of the following: 1) a valid Kentucky Driver's license, other state issued I.D., or other identification recognized by the Covington Police Department; 2) registration for vehicles owned by and registered in the name of the applicant; 3) voter registration card; 4) previous year's W-2 form or

IRS tax return; 5) deed; or 6) utility bill . The requirement may also be satisfied if the owner's address in the Kenton County PVA is the same as the address of the short-term rental.

(B) The applicant shall certify that to the best of his, her or its knowledge, the short-term rental is in conformity with:

1. The Kentucky Building Code (residential only);
2. The International Residential Code (one and two family dwellings);
3. International Property Maintenance Code;
4. The Fire Code NFPA1;
5. The Life Safety Code NFPA 101.

(C) The applicant shall further acknowledge that the short-term rental must at all times maintain compliance with applicable federal, state and local laws, regulations, ordinances or other rules or codes governing the operation of the short-term rental, including the Covington nuisance code;

(D) The applicant shall acknowledge an obligation to use his or her best effort to assure that use of the premises by a short-term rental tenant will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.

(E) The city manager or a designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.

§ 127.09 LICENSE REVIEW, INSPECTION AND LICENSE ISSUANCE.

(A) Applications shall not be considered complete unless all documentation required is submitted and the full license fees have been paid. Incomplete applications will be rejected.

(B) The applicant will be notified of a final determination on an application no later than 30 days following submission of a complete application.

(C) A City Rental Inspector shall inspect the property within 30 days of the issuance of the license. The short-term rental unit must pass inspection to prevent the license from being suspended.

(D) If the inspection finds violation of any of the codes, the rental inspector shall provide written notice to the rental agent and the rental agent shall discontinue leasing the unit until the code violations are corrected and the unit successfully reinspected.

(E) All application denials shall be in writing and shall set forth specific reasons for the denial.

(F) An application may be denied if:

1. The applicant is not in good standing with the City of Covington;
2. The applicant has made a material misrepresentation of fact on the application;
3. The short-term rental premises are subject to outstanding orders from a city department that have not been corrected;
4. The short-term rental premises have been determined to be a location of a criminal activity nuisance in accordance with § 92.10 of this code of ordinances;
5. The applicant, owner, or rental agent of the short-term rental has failed to comply with or enforce the requirements of this chapter;
6. The maximum number of allowed licenses in the historic district, neighborhood or zone has been reached;
7. The maximum number of licenses in the city has been reached;
8. Ownership limits set forth in 127.06 have been reached; and/or,
9. Other identified violations of the requirements of this subchapter.

(G) Any short-term rental dwelling license applicant or licensee aggrieved by any license application denial, may, within seven days of receipt of notice of such action, file a written appeal with the Rental License Appeals Board setting forth his or her reasons for contesting the action.

§ 127.10 SHORT-TERM RENTAL AGENT.

(A) The operator of a short-term rental shall designate a short-term rental agent on its application for a short-term rental license.

(B) Short-term rental agent means a natural person designated by the operator of a short-term rental on the short-term rental license application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business. A short-term rental host may also serve as the short-term rental agent.

(C) A host may change the designation of a short-term rental agent temporarily or permanently; however, there shall be only one such agent for a property at a given time. To change the designated agent, the host shall notify Covington Code Enforcement in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of § 127.08.

§ 127.11 SHORT-TERM RENTAL AGENT DUTIES.

(A) The duties of the short-term rental agent are:

- (1) Manage the business affairs of the short-term rental unit, including responsibility for all advertising.**
- (2) Be reasonably available to handle any problems arising from use of the short-term rental unit.**
- (3) Appear on the premises of any short-term rental unit within one hour following notification from the city that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct, overcrowding, consumption of illegal drugs or excess alcohol; or other issues related to the use or occupancy of the premises.**
- (4) Keep his or her name and emergency contact phone number and the license number of the unit posted in a readily visible place in the short-term rental unit;**
- (5) Provide tenants with instructions to comply with noise, parking, occupancy and curfew ordinances;**
- (6) Provide his or her name and emergency contact phone number to adjoining property owners;**
- (7) Receive and accept service of any notice of violation related to the use or occupancy of the premises;**
- (8) Monitor the short-term rental unit for compliance with this chapter;**

- (9) List the short-term rental license number on each hosting platform; a rental agent may not use a hosting platform that does not provide a field for the city license number;
- (10) Ensure compliance with the city's solid waste and recycling rules, including trash collection schedule;
- (11) Provide access to the unit upon request by code enforcement or police officials responding to complaints;
- (B) Any violation of these duties shall be considered a violation of the city code relating to short-term rental units for purposes of application of the penalty for accumulated violations.

§ 127.12 OPERATING REGULATIONS.

- (A) Nondiscrimination. The host or rental agent shall not decline a potential guest, impose different terms or conditions, or discourage or indicate any preference for or against a guest based on race, gender, sexual orientation, gender identity or expression, color, ancestry, national origin, age, disability, familial status, or military status.
- (B) Maximum occupancy: The number of occupants shall not exceed two (2) adults per bedroom, plus two additional persons; regardless of the number of bedrooms the maximum occupancy of a short-term rental unit shall not exceed twelve persons, including children.
- (C) Minimum stay required: No short-term rental shall be offered for a period of less than one night.
- (D) Event Advertising Restriction: The rental agent or tenant shall not advertise or promote a special event, or allow the advertising and promotion of a special event (e.g. event center, banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises.
- (E) Special Events Prohibited: The rental agent or tenant shall not allow, suffer or permit an event center or special event as described above to be held on the premises.
- (F) Posting of Host Rules: The host or rental agent operating a short-term rental shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises. The notice shall instruct the occupants as to all applicable City regulations pertaining to short-

term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.

(G) Posting of License Number: The License Number shall be posted on the premises along with the contact information of property owner and rental agent.

(H) Advertising: A valid, active short-term rental license number issued by the City shall be included on every hosting platform listing or any newspaper, magazine, brochure, website, or mobile application advertisement.

(I) The host, rental agent or tenant of a short-term rental shall not allow, permit, or make any noise that would be in violation of the City's noise ordinance.

(J) Parking restrictions: The rental agent may not allow parking of vehicles on public streets not in accordance with City ordinances.

§127.13 SHORT-TERM RENTAL REGISTRATION RENEWAL.

(A) The application to renew a short-term rental dwelling license shall be submitted no earlier than 60 days and no later than 30 days before its expiration date. If a person fails to apply for renewal as provided herein, he, she or it must apply for a new registration rather than a renewal.

(B) Every complete application for a short-term rental dwelling license renewal shall include updates, if any, to the information contained in the previous license application and be signed by the license holder affirming that updated information is accurate and complete.

(C) Verifications deemed necessary and proper to ensure continuing compliance with this chapter may be required;

(D) Applications shall not be considered complete until all documentation required is submitted; Incomplete applications will not be accepted.

(E) A license will be issued only after the full licensure fee has been paid.

(F) The renewal application may be denied, in writing, for any of the reasons set forth in § 127.09(F).

§ 127.14 SUSPENSION OR REVOCATION.

Any action unfavorable to the applicant or licensee, including license denial, suspension or revocation, or decisions related to violations of this chapter may be appealed to the Rental License Appeals Board.

§ 127.15 RENTAL LICENSE APPEALS BOARD.

- (A) The Rental License Appeals Board shall be comprised of full-time city employees as appointed by the city manager or a designee and shall include at least one staff member selected from the Finance Department and one from the Police Department. The staff board will receive evidence; however, the rules of evidence will not govern the proceeding. The staff board will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.**
- (B) The Rental License Appeals Board shall be empowered to hear appeals and conduct hearings arising from:**
- 1. The denial of an application for a short-term rental dwelling license;**
 - 2. The denial of an application for renewal of a short-term rental dwelling license; and**
 - 3. Conduct that may give rise to suspension or revocation of a license.**
- (C) Upon receipt of an appeal, or in the case of a hearing for possible suspension or revocation, the Board shall set a date for a hearing and shall notify the applicant or licensee. Except upon mutual agreement by the applicant or licensee and the city, the hearing shall be held not less than three (3) days and not more than thirty (30) days from the date the appeal is received.**
- (D) If the applicant or licensee fails to appear at a properly scheduled hearing before the Board, the Board shall summarily affirm the action, unless the applicant or licensee shows good cause for his or her failure to appear.**
- (E) At the hearing before the Board, the city shall present evidence supporting the appealed action. The applicant or licensee shall be given an opportunity to show cause why the appealed action should be modified or reversed. The burden of proof shall be upon the city to**

demonstrate that the appealed action was permitted by the provisions of this chapter.

(F) The Rental License Appeals Board may:

- 1. Affirm the action;**
- 2. Reverse the action; and/or**
- 3. Modify the action by reversing with conditions or granting an extension of time for the performance of any act required where there is a practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter, provided that such extension or other action shall be consistent with the general purpose of this chapter to ensure the public health, safety and welfare. Where conditions are imposed or additional time is granted, the Board may delay final action and continue the matter to a later date in order to ensure compliance.**

(G) The decision of the Rental License Appeals Board shall be reduced to writing and shall be final unless continued. The written decision shall be mailed or hand delivered to the appellant and the short term rental agent.

(H) Any aggrieved party to a final decision of the Board may appeal, within 30 days of the date of the issuance thereof, to the city's Code Enforcement Board for a hearing pursuant to § 92.18 of the Covington Code of Ordinances.

(I) Any decision of the Code Enforcement Board adverse to the appellant shall indicate that the appellant has a right to appeal to the Kenton County Circuit Court in accordance with the Rules of Civil Procedure.

§ 127.16 SHORT-TERM RENTAL DWELLING LICENSE FEES.

(A) The fee for the issuance of the initial license shall be \$500.00 effective November 1, 2023. The fee shall be \$30.00 for all licensure applications received prior to November 1, 2023.

(B) The fee for renewal of the license shall be \$250.00.

(C) A code enforcement re-inspection fee of \$100.00 shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this chapter or if the host or rental agent failed to appear for a scheduled inspection.

(D) A code enforcement re-inspection fee of \$150.00 shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this chapter or if the host or rental agent failed to appear for a scheduled inspection.

(E) Short-term rental units that were operated without a license shall be charged a fee of equal to three times the amount of the license fees set forth above.

§ 127.17 DUTIES OF THE CODE ENFORCEMENT DIVISION.

(A) The Code Enforcement Division shall maintain a file for each license and maintain a record of violations for each unit, inspection reports and responses to complaints.

(B) The Code Enforcement Division shall make available, as a convenience, an inspection checklist to each applicant identifying code requirements specially applicable to short-term rental units, including:

1. smoke detector requirements;
2. carbon monoxide detector requirements;
3. fire extinguisher requirements;
4. Mandated posting of a clearly marked emergency evacuation plan for the premises; and,
5. Shared stairways or entrances are required to be unobstructed, secure, and sanitary.

(C) The Code Enforcement Division shall establish a waiting list for applications.

§ 127.18 SHORT-TERM RENTAL HOSTING PLATFORM OBLIGATIONS.

All hosting platforms through which short-term rentals within the city are listed, advertised, solicited or otherwise held out for rent shall provide a field on the platform to allow hosts to input short-term rental license numbers. A hosting platform which does not provide a field for the license number shall be ineligible to provide services for short-term rentals in Covington.

§ 127.19 TRANSITION RULES

- (A) Any person holding more than four short-term rental dwelling licenses on the date this Chapter is passed shall be permitted to maintain and renew all short-term rental dwelling licenses held at said time.
- (B) All short-term rentals licensed as of the effective date of this Chapter shall be permitted to continue operation and are eligible for renewal without regard to the density or maximum number limits imposed by this ordinance.
- (C) During the transitional period (prior to adoption of revised zoning regulations) short-term rental license applications will be accepted and evaluated pending the issuance of conditional use zoning permits to be issued by the Board of Architectural Review and Development (BOARD) as applicable.
- (D) Short-term rental license applications will be reviewed in the order received.
- (E) Applications received prior to November 1, 2023 will proceed with a \$30 fee; applications received after November 1, 2023 will require the new application fee of \$500 as outlined in this ordinance.
- (F) Any Person that applied for a short-term rental license during or prior to the moratorium will need to reapply using the new application process and forms. Those that previously applied will have 30 days from the adoption of this ordinance to submit new applications to hold your place in queue. If submitted within 30 days, the date of the new application will remain the same as the original application. All applications received after 30 days of adoption will be processed in the order received.
- (G) Short-term rental licenses will only be issued upon the receipt and acceptance of short-term rental license applications that have provided all necessary supporting documentation, including zoning approval.

§ 127.99 PENALTIES.

(A)Accumulated Violations: When a short-term rental agent has accumulated three violations for the same unit within a period of twelve consecutive months, the city shall revoke any pending or issued licenses and reject all applications for that particular property for a period of 12 consecutive months from the date of the final decision.

(B) Operating without a license. Operating a short-term rental without a license shall constitute a civil offense and any person who violates § 127.03 shall be subject to a civil fine of up to \$500 per day. In addition, a person guilty of operating a short-term rental without a license shall be ineligible to apply for a license for that particular property for a period of twelve consecutive months from the date of the final decision.

Section 2

Sections 124.21 through 124.40 of the Covington Code of Ordinances, which read as follows, are hereby repealed:

[EMERGENCY TEMPORARY MORATORIUM ON NEW APPLICATIONS AND ISSUANCE OF LICENSES FOR SHORT TERM RENTAL DWELLING LICENSES

§ 124.21 MORATORIUM.

~~—The recent increase in short-term rentals in the city has had detrimental effects on the residential character of neighborhoods and the community's affordable housing stock, thereby creating an emergency. The city hereby temporarily prohibits the issuance of new licenses for short-term rental dwellings and prohibits the acceptance, review and processing by the City Manager, or the City Manager's designee, of any license applications for short-term rental dwellings within the city limits pending further study, enactment, and effect of new or amended short-term rental ordinances. This emergency ordinance shall not prohibit the renewal of short-term rental dwelling licenses that were issued by the city prior to the effective date of this emergency ordinance. Furthermore, this emergency ordinance shall not prohibit the issuance of short-term rental dwelling licenses if the applicant has obtained a conditional use permit for short-term rental dwellings prior to the effective date of this emergency ordinance.~~

§ 124.22 TERM; RENEWAL

~~—For the reasons set forth above, an emergency is hereby declared to exist and the provisions of this emergency ordinance shall become effective immediately upon its adoption by a vote of 2/3 or more of the legislative body. This emergency ordinance shall terminate and be of no further effect six months from the effective date of this ordinance unless the City of Covington Board of Commissioners extends the moratorium or terminates the moratorium. If an extension or termination is approved, the city will publish notice of its adoption.~~

~~§ 124.23 VALIDITY AND SEVERABILITY.~~

~~—Should any portion of this emergency ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this emergency ordinance.~~

~~§ 124.24 REPEAL.~~

~~—All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.~~

SHORT TERM RENTALS

~~§ 124.25 PURPOSE.~~

~~—It is the purpose of this subchapter to promote the health, safety and welfare of residents and of occupants of short term rental dwellings in the city. By requiring the registration of all short term rental dwelling units, it is the city's intent to ensure that short term rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing maintenance requirements and to not become a nuisance to the neighborhood and community.~~

~~§ 124.26 DEFINITIONS.~~

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—HOSTING PLATFORM. A person or entity that provides a means through which short term rentals are offered, listed, advertised, solicited or otherwise held out for rent.~~

~~—OPERATOR. Any person who offers a short term rental or holds a short term rental out to the public for rental by placing advertisements or solicitations with a hosting platform.~~

~~—PERSON. Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.~~

~~—PROVISIONAL SHORT TERM RENTAL DWELLING LICENSE. The short term rental dwelling license issued after application but before inspection of a short term rental dwelling unit. The provisional short term rental dwelling license converts to a regular short term rental dwelling license upon successful inspection.~~

~~—RENTAL INSPECTOR. The Neighborhood Services Director or his or her designee including, but not limited to, Code Enforcement Officers and or inspectors employed by the Code Enforcement Division.~~

~~—RESPONSIBLE PERSON.~~

~~—(1) A natural person;~~

~~—(2) Designated by the operator of a short term rental as having the duty, responsibility and authority to operate, maintain and manage the short term rental; and~~

~~—(3) Whose principal residence or principal place of business is located no greater than 50 miles from the short term rental.~~

~~—SHORT TERM RENTAL.~~

~~—(1) Any residential dwelling unit or part thereof;~~

~~—(2) Offered or held out to the public for rent on a hosting website, web or mobile~~

~~application or other online platform through which short term rentals are listed, advertised, solicited or otherwise held out for rent;~~

~~—(3) For a duration of occupancy of less than 30 consecutive days, or longer if the short term rental otherwise meets the definition herein. In no event shall a residential rental use exist unless a license is obtained in accordance with this subchapter or in accordance with Chapter 155.~~

~~—SHORT TERM RENTAL DWELLING LICENSE. The short term rental dwelling license established by this subchapter.~~

~~—TRANSIENT GUEST. A person or persons who enters into a contractual arrangement with the operator of a short term rental whereby the person or persons pays rent to the operator, or to a person designated by the operator to receive rent, in exchange for occupancy of the short term rental.~~

~~§ 124.27 APPLICABILITY.~~

~~—(A) This subchapter applies to all short term rentals located in the city, including those short term rentals operated prior to the effective date of this subchapter, and all operators and hosting platforms conducting business in the city. This subchapter shall have prospective application and shall not impair or modify the terms of any agreement executed or in effect prior to the effective date of this subchapter providing for the occupancy of a short term rental by a transient guest to the extent that the agreement and the other terms thereof conflict with the provisions of this subchapter.~~

~~—(B) This subchapter shall not apply to any transient use of property otherwise regulated by specific provisions of the city's code of ordinances, included, but not limited to, hotel/motel uses.~~

~~§ 124.28 RESPONSIBILITIES OF OWNERS AND OPERATORS OF SHORT TERM RENTALS.~~

~~—(A) No person shall let to another person for occupancy any short term rental unit unless it complies with all applicable laws and ordinances, including the Kentucky Standards of Safety, Kentucky Building Code, Property Maintenance Code, Nuisance Code, zoning ordinance and/or any other applicable laws.~~

~~—(B) Every owner or operator of a short term rental dwelling containing two or more short term rental dwelling units shall maintain in an unobstructed, secure and sanitary condition any shared entrances or shared stairways or public areas.~~

~~—(C) The owner or operator of any short term rental dwelling which is required to be licensed hereunder, prior to the time of sale of the short term rental dwelling, shall notify the buyer, in writing, of all unabated orders and notices of violations issued against the short term rental dwelling. A copy of the notification shall be mailed to the City Manager or his or her designee within five days of furnishing the notification to the buyer. For the purpose hereof, TIME OF SALE shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any short term rental dwelling required to be licensed.~~

~~§ 124.29 SHORT TERM DWELLING RENTAL LICENSE.~~

~~—(A) All owners and operators must register their short term rentals with the city pursuant to § 124.30 prior to their operation.~~

- ~~—(B) No person shall own or operate a short term rental in the city unless the person:~~
 - ~~—(1) Possesses a valid business license for the short term rental issued by the city, as provided in this code; and~~
 - ~~—(2) Has obtained a valid short term rental dwelling license from the city, which registration must be renewed by no later than December 31 each year.~~
- ~~—(C) Registration obtained pursuant to this subchapter must be maintained according to the provisions of this subchapter during any period of operation as a short term rental.~~
- ~~—(D) One short term rental dwelling license shall be issued per parcel to allow operators to hold more than one short term rental dwelling license if the person rents a short term rental on more than one parcel.~~
- ~~—(E) The city shall have authority to exercise its regulatory powers under this subchapter, including the power to issue, deny, renew, suspend or revoke any short-term rental dwelling license, with respect to any short term rental.~~

~~§ 124.30 ISSUANCE AND DURATION OF SHORT TERM RENTAL DWELLING LICENSE; FEES.~~

- ~~—(A) (1) All short term rentals shall be registered via an application procedure in the manner prescribed by the City Manager or his or her designee. Short term rental dwelling license and renewal license fees shall be assessed per the number of short term rental dwelling units per parcel according to the following schedule:~~

1 Unit/Parcel	\$30
2-4 Units/Parcel	\$60
5-12 Units/Parcel	\$90
13-99 Units/Parcel	\$120
100+ Units/Parcel	\$150

- ~~—(2) The City Manager or his or her designee may implement prorated license fees and staggered inspection dates to facilitate successful operation of the short term rental dwelling license program. Failure to file an application shall be deemed a violation of this subchapter.~~

- ~~—(B) All first time applicants will be issued a three month provisional short term rental dwelling license.~~
- ~~—(C) Upon successful inspection as described hereunder, the provisional short term rental dwelling license will convert to a regular short term rental dwelling license. The regular short term rental dwelling license will be valid through December 31 of the calendar year in which the regular short term rental dwelling license becomes effective.~~
- ~~—(D) No regular short term rental dwelling license or renewal thereof shall be issued unless:~~
 - ~~—(1) The short term rental is in compliance with all the provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance commonly known as the Neighborhood Development Code; and~~
 - ~~—(2) The property owner or operator provides the certification of a City Code Enforcement Officer attesting that the short term rental property at issue is in~~

compliance with the requirements of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code, and zoning ordinance commonly known as the Neighborhood Development Code. Nothing in this subchapter, except in the case of an emergency pursuant to § 10.22, shall be deemed to authorize the city to conduct an inspection of any property without the consent of the owner or operator, if the short term rental is unoccupied, and if occupied, upon the consent of the occupant of the property, in the absence of a warrant duly issued by a court of law.

~~—(E) Any short term rental dwelling license issued hereunder is nontransferable.~~

~~—(F) In the event ownership of short term rental property is transferred to a new owner, the new owner or operator shall apply for a short term rental dwelling license within 30 days of the closing of title if any portion of the premises is rented or leased at the time of closing. If an application is not filed as required by this division (F) there shall be a presumption that the property is being utilized as short term rental property by the new owner(s) or operator(s) in violation of law. Failure to file an application or to apply within the specified period shall be deemed a violation of this division (F). A purchaser of a short term rental property may be exempt from this section if the purchaser is not continuing the use as a short term rental, either temporarily or permanently.~~

~~—(G) A late charge equal to three times the amount of the license fees set forth in division (A) above shall be charged to owners or operators who fail to apply for a short-term rental dwelling license or to renew a short term rental dwelling license within the specified period. The late charge shall be assessed per the number of short term rental dwelling units per parcel according to the following schedule:~~

~~-~~

1 Unit/Parcel	\$90
2-4 Units/Parcel	\$180
5-12 Units/Parcel	\$270
13-99 Units/Parcel	\$360
100+ Units/Parcel	\$450

~~-~~

~~—(H) A re-inspection fee of \$50 shall be charged if the owner or operator fails to appear for a scheduled inspection for a second time.~~

~~—(I) A re-inspection fee of \$50 shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this subchapter or if the owner or operator failed to appear for a scheduled inspection.~~

~~—(J) The application for a short term rental dwelling license shall require the following information:~~

~~—(1) A current street mailing address, contact phone number, emergency contact phone number and email address for the operator and the responsible person designated for the short term rental. The operator of a short term rental shall be the person designated to receive legal notice from the city related to operation of the short term rental;~~

~~—(2) A current list of all hosting platforms through which the short term rental is listed, advertised, solicited or otherwise held out for rent and those through which it is reasonably anticipated to be listed, advertised, solicited or otherwise held out for rent;~~

~~—(3) A certification from the operator that the operator is the legal owner or tenant of~~

~~the short term rental unit with the right and authority to operate the unit as a short term rental;~~

~~— (4) A certification and associated documents from the operator that, to the best of his, her or its knowledge, the short term rental is in conformity with:~~

~~— (a) Building codes, including, as applicable, the Kentucky Building Code, the Kentucky Residential Code;~~

~~— (b) Zoning codes, including, as applicable, the city's Zoning Code;~~

~~— (c) The city's nuisance codes and applicable International Property Maintenance codes; and~~

~~— (d) Fire codes, including the Kentucky Fire Code.~~

~~— (5) A certification that the operator of the short term rental is current on all existing financial liabilities to the city;~~

~~— (6) An acknowledgment that the operator understands that the short term rental must at all times maintain compliance with applicable federal, state and local laws, regulations, ordinances or other rules or codes governing the operation of the short term rental;~~

~~— (7) An acknowledgment that the operator has read §§ 32.040 through 32.054 of the city's code of ordinances, including § 32.044 of this code of ordinances, which sets forth various prohibited housing discrimination practices;~~

~~— (8) An acknowledgment that Fair Housing Act training sessions are regularly available in the Covington area and that the city staff will include operators of short term rentals on the distribution list for notifications about upcoming Fair Housing Act training sessions; and~~

~~— (9) Proof of liability insurance for the short term rental unit in an amount that corresponds to the prevailing rate for similar properties being used for a similar purpose as determined by the City Manager or his or her designee. Insurance provided by hosting platforms may be used to satisfy this requirement.~~

~~§ 124.31 APPLICATION REVIEW AND LICENSE ISSUANCE.~~

~~— (A) The City Manager or his or her designee shall review each application and shall issue a short term rental dwelling license and a unique registration number to the operator of the short term rental unit upon finding the application satisfies all the requirements of this subchapter.~~

~~— (B) The City Manager or his or her designee shall notify the applicant of a final determination on an application no later than 30 days following receipt of a complete application submission. All application denials shall be in writing and shall set forth specific reasons for the denial.~~

~~— (C) Each short term rental dwelling license shall expire upon the earlier of:~~

~~— (1) The December 31 following the most recent registration or renewal; or~~

~~— (2) A change in operator or ownership of a short term rental.~~

~~§ 124.32 SHORT TERM RENTAL DWELLING LICENSE CONDITIONS.~~

~~— (A) It is the duty of an operator under this subchapter to ensure that every short term rental operated by the operator:~~

~~— (1) Meets smoke detector requirements set forth in the International Property Maintenance Code;~~

~~— (2) Has at least one functional carbon monoxide detector installed in an appropriate~~

location as set forth in the Kentucky Residential Code;

—(3) Has at least one maintained and charged fire extinguisher located in an open and easily accessible location on each habitable floor of the short term rental;

—(4) Has at least one operable emergency and rescue opening in every sleeping room, as set forth in the Kentucky Residential Code;

—(5) Has posted, in a conspicuous location in the short term rental, a clearly marked emergency evacuation plan for the premises;

—(6) Has posted, in a conspicuous location in the short term rental, the name and telephone number of the operator and the registered emergency contact for the short term rental; and

—(7) Has posted, in a conspicuous location in the short term rental, a list activities and behaviors prohibited by city law that tend to be associated with the operation of short term rentals.

—(B) It is the duty of an operator under this subchapter to ensure that:

—(1) No short term rental unit is subject to more than one contract at a time;

—(2) All advertisements for a short term rental, including without limitation those on hosting platforms, include the short term rental's local registration number;

—(3) A true and accurate report is submitted no less than annually to the Finance Department, in the manner and form specified by the City Manager or his or her designee, identifying:

—(a) The address of each short term rental owned or operated by the host;

—(b) The local registration number of each short term rental owned or operated by the host; and

—(c) The number of contracts to which each short term rental owned or operated by the host was subject in the preceding month, and the duration of each contract. Such report shall be due even if the number of nights a short term rental was under contract during the preceding month was zero.

—(4) Every short term rental operated by the host complies with all applicable city and state planning and zoning rules, ordinances, and regulations.

—(C) All information associated with the registration must be updated within seven days of a change in status, including any changes in the contact information for the operator and the responsible person, and further must be verified no less often than annually when the registration is renewed.

—(D) The operator of the short term rental must remain current on all existing tax and fee liabilities to the city.

—(E) The operator of the short term rental must obtain liability insurance for the short term rental unit in an amount that corresponds to the prevailing rate for similar properties being used for a similar purpose as determined by the City Manager or his or her designee. Insurance provided by hosting platforms may be used to satisfy this requirement.

~~§ 124.33 SHORT TERM RENTAL REGISTRATION RENEWAL.~~

—(A) All operators shall apply to renew their short term rental dwelling license no earlier than 180 days and no later than 60 days before its expiration date. If an operator fails to apply for renewal as provided herein, he, she or it must apply for a new registration rather than a renewal.

—(B) All short term rental dwelling license renewals shall be made in the manner

prescribed by the City Manager or his or her designee, which shall include the payment of a renewal fee as necessary to recover the cost and expense of administering the city's short term rental program.

—(C) The City Manager or his or her designee shall review each renewal application and shall issue a renewal upon finding compliance with all the conditions of short term rental registration established in § 124.30 of this subchapter as applicable.

~~§ 124.34 DENIAL OF APPLICATION FOR NEW OR RENEWAL REGISTRATION; SUSPENSION AND REVOCATION OF EXISTING LICENSE.~~

—(A) The City Manager or his or her designee may deny any application for a new or renewal short term rental dwelling license if any of the following are true of the application, applicant, owner, operator or property:

—(1) The applicant failed to provide all required application materials or to pay the application fee;

—(2) Any short term rental associated with the operator making the application or for the short term rental that is the subject of the application is in violation of the provisions of this subchapter as of the date of the application;

—(3) The applicant, operator or owner of the short term rental is delinquent in the payment of tax payment or other financial liabilities to the city;

—(4) The applicant has made a material misrepresentation of fact on the application;

—(5) The applicant, operator or owner of the short term rental has failed to make a good faith effort to correct violations of this subchapter or has obstructed or interfered with correction of the violations;

—(6) The short term rental premises are subject to outstanding orders from a city department that have not been corrected;

—(7) The short term rental premises have been determined to be a location of a criminal activity nuisance in accordance with § 92.10 of this code of ordinances; or

—(8) The applicant, operator, or owner was found by non appealable final order, as defined within § 92.03 of this code of ordinances, or by final judgment of a court, to have owned or operated a short term rental without a license from the city, as required by this chapter, within the one year period preceding the date of application for a new or renewal short term rental dwelling license.

—(B) In the event a provisional short term rental dwelling license does not convert to a regular short term rental license, or if a regular short term rental dwelling license is not eligible for renewal, and the subject property is still being advertised and operated as short term rental, a code enforcement citation may be issued to the owner of the property for failure to obtain a short term rental dwelling license pursuant to the procedures set forth in Ch. 92 of this code of ordinances.

—(C) Any short term rental license issued pursuant to this subchapter may be suspended or revoked by the City Manager or his or her designee, after complying with the hearing requirements below, for the causes listed in division (A) above or if the short term rental license holder is in violation of any other requirements of this subchapter. The City Manager or his or her designee shall give written notice to the operator of the allegations giving rise to possible suspension or revocation. Upon notice to the operator, the City Manager or his or her designee shall notify the members of the Rental Licensing Appeals Board and the City Solicitor of the need to schedule a hearing.

~~§ 124.35 RENTAL LICENSING APPEALS BOARD.~~

~~—(A) The Mayor, with the approval of the Board of Commissioners, shall appoint a Rental Licensing Appeals Board, which shall consist of the three citizen members. The term of office for members of the Rental Licensing Appeals Board shall be four years. One member shall initially be appointed to a two year term, one member shall initially be appointed to a three year term, and one member shall initially be appointed to a four year term. After the initial appointments, all new appointments and re-appointments shall be made for four year terms. Vacancies shall be filled by appointment in the same manner and for the duration of the unexpired term. The Rental Licensing Appeals Board shall elect one of its members to serve as Chair.~~

~~—(B) The Rental Licensing Appeals Board shall be empowered to hear appeals and conduct hearings arising from:~~

~~—(1) The denial of an application for a short term rental dwelling license;~~

~~—(2) The denial of an application for renewal of a short term rental dwelling license; and~~

~~—(3) Notification of conduct that may give rise to a suspension or revocation of a short term rental dwelling license.~~

~~—(C) Any short term rental dwelling license applicant or licensee aggrieved by any action listed in divisions (B)(1) or (B)(2) above may, within seven days of receipt of notice of such action, file a written appeal with the Board setting forth his or her reasons for contesting the action. If notice of possible suspension or revocation is given in accordance with § 124.34(C) and division (B)(3) above, the Board shall automatically schedule a hearing with or without request by the operator.~~

~~—(D) Upon receipt of the appeal, or in the case of a hearing for possible suspension or revocation, the Board shall set a date for a hearing and shall notify the appellant. Except upon mutual agreement by the appellant and the city, the hearing shall be held not less than three days and not more than 45 days from the date the appeal is received.~~

~~—(E) If the appellant fails to appear at a properly scheduled hearing before the Board, the Board shall summarily affirm the appealed action, unless the appellant shows good cause for his or her failure to appear.~~

~~—(F) At the hearing before the Board, the city shall present evidence supporting the appealed action. The appellant shall be given an opportunity to show cause why the appealed action should be modified or reversed. The burden of proof shall be upon the city to demonstrate that the appealed action was permitted by the provisions of this subchapter.~~

~~—(G) The Rental Licensing Appeals Board may:~~

~~—(1) Affirm the appealed action;~~

~~—(2) Reverse the appealed action; and/or~~

~~—(3) Modify the appealed action by reversing with conditions or granting an extension of time for the performance of any act required where there is a practical difficulty or undue hardship connected with the performance of any act required by the provisions of this subchapter, provided that such extension or other action shall be in harmony with the general purpose of this subchapter to secure the public health, safety and welfare. Where conditions are imposed or additional time is granted, the Board may delay final action and continue the matter to a later date in order to ensure compliance.~~

~~—(H) The decision of the Board shall be reduced to writing and shall be final unless continued. The written decision shall be mailed or hand delivered to the appellant. Any~~

aggrieved party to a final decision of the Board may appeal, within 30 days of the date of the issuance thereof, to the city's Board of Commissioners. Any decision of the Board adverse to the appellant shall indicate that the appellant has a right to appeal as described in this division (H).

~~§ 124.36 AVOIDANCE OF NUISANCES.~~

~~—No short term rental may be operated within the city so as to cause a nuisance. For the purposes of this section, three or more written citations or notices of violation for one or more of the following behaviors by transient guests of the short term rental in and around the vicinity of the short term rental in any one year period shall establish a rebuttable presumption that a short term rental has been operated in a manner that causes a nuisance:~~

- ~~—(A) Incidents constituting a nuisance as defined by Ch. 92 of the city's code of ordinances;~~
- ~~—(B) Incidents of failure to maintain noise standards per Ch. 92 of the city's code of ordinances;~~
- ~~—(C) Incidents of exceeding the maximum occupancy levels permitted pursuant to applicable zoning codes, building codes, housing codes and fire codes;~~
- ~~—(D) Incidents of illegal parking of vehicles on private property; or~~
- ~~—(E) Incidents of noncompliance with parking requirements set forth in the city's Neighborhood Development Code.~~

~~§ 124.37 LIMITATIONS ON INSPECTIONS.~~

~~—No person charged with enforcing this subchapter shall enter upon a private premises to conduct an inspection unless it is conducted in the same manner required of city staff in similar sections of the city's code of ordinances.~~

~~§ 124.38 SHORT TERM RENTAL HOSTING PLATFORM OBLIGATIONS.~~

~~—(A) All hosting platforms through which short term rentals within the city are listed, advertised, solicited or otherwise held out for rent shall provide the following information to the City Manager or his or her designee on a quarterly basis:~~

- ~~—(1) The total number and location of short term rentals listed on the platform during the applicable reporting period; and~~
- ~~—(2) The total number of nights that each listing on the platform was rented to guests during the applicable reporting period.~~

~~—(B) All hosting platforms through which short term rentals within the city are listed, advertised, solicited or otherwise held out for rent shall provide a field on the platform to allow operators to input short term rental registration numbers.~~

~~§ 124.39 VACATION OF AFFECTED SHORT TERM RENTAL DWELLINGS.~~

~~—When any provisional short term rental dwelling license does not convert to a regular short term rental license, or if a regular short term rental dwelling license is not eligible for renewal, or if a license holder has failed to obtain a current short term rental dwelling license upon proper application, the City Manager, or his or her designee, shall order the short term rental dwelling or short term rental dwelling unit vacated, giving the tenants and/or occupants thereof a reasonable time to arrange for new housing. No short term rental dwelling unit shall be rented again until the owner or managing agent~~

is properly licensed under this subchapter.

~~§ 124.40 REMEDIES NOT EXCLUSIVE.~~

~~—The remedies provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as application for a search warrant pursuant to § 10.23, emergency inspections authorized under § 10.22, condemnation, written violation orders and warnings, citations issued pursuant to Ch. 92 of this code of ordinances, and/or criminal charges for violation of substantive provision of any city or state codes relating to fire, zoning, life safety, property maintenance, and/or buildings. Further, the remedies herein do not supersede or affect the legal rights and remedies provided under law to the tenants to any short term rental dwelling or unit therein.]~~

Section 3

The title of Chapter 124 of the Covington Code of Ordinances is amended as follows:

CHAPTER 124: [TEMPORARY HOUSING REGULATIONS] **HOMELESS SHELTERS AND TRANSITIONAL LIVING**

[Homeless Shelters and Transitional Living]

Section 4

Section 124.99 of the Covington Code of Ordinances is amended to read as follows:

§ 124.99 PENALTY.

(A) (1) Any person who operates a shelter without a license as provided in §§ 124.01 through 124.11 shall be issued a citation by an enforcement officer designated by the Director, and ordered to cease operations until a valid license is obtained. Operating a shelter without a license shall constitute a civil offense and any person, firm or corporation who operates a shelter without a license shall be subject to a civil fine of not less than \$500, nor more than \$1,000, per day for each day that a shelter is operated without a valid license. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.

(2) Operating a licensed shelter in a manner that violates the provisions of §§ 124.01 through 124.11 shall constitute a civil offense and any person, firm or corporation who operates a licensed shelter in a manner that violates the provisions of §§ 124.01 through 124.11 shall be subject to a civil fine of not less than \$100, nor more than \$1,000, per day for each day that a licensed shelter is operated in a manner that violates this code. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.

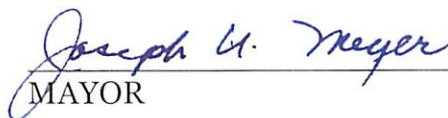
~~[(B) (1) Any person who operates a short-term rental without a license as provided in §§ 124.25 through 124.40 shall be issued a citation by an enforcement officer designated by the City Manager, and ordered to cease operation until a valid license is obtained. Operating a short-term rental without a license shall constitute a civil offense, and any person who violates any provision of §§ 124.25 through 124.40 shall be subject to a civil fine of not less than \$500, nor more than \$1,000, per day for each day that a licensed shelter is operated in a manner that violates this code. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.]~~

~~— (2) Operating a short-term rental in a manner that violates §§ 124.25 through 124.40 shall constitute a civil offense, and any person who violates any provision of §§ 124.25 through 124.40 shall be subject to a civil fine of not less than \$100, nor more than \$1,000, per day for each day that a licensed shelter is operated in a manner that violates this code. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.]~~

~~[(3)]~~ (B) A person found to have committed a violation of this code shall be personally responsible for the amount of the civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement. ~~[of §§ 124.25 through 124.40.]~~ The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

Section 5

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law.


MAYOR

ATTEST:


CITY CLERK

Passed: June 28, 2023 (Second Reading)

June 27, 2023 (First Reading)